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10/655,834	09/05/2003	Terrence Paul McFadden	9356	7069

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EXAMINER

JARRETT, SCOTT L

ART UNIT	PAPER NUMBER
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3623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/655,834	Applicant(s) MCFADDEN, TERRENCE PAUL	
	Examiner SCOTT L. JARRETT	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Non-Final Office Action is in response to Applicant's submission filed September 5, 2003. Currently claims 1-23 are pending.

Claim Objections

2. Claims 11, 19 and 21-23 are objected to because of the following informalities.

Regarding Claim 11, Claim 11 recites the acronym URL. Examiner suggests applicant revise claim 11 to recited Uniform Resource Locator (URL).

Appropriate correction is required.

Regarding Claim 19, Claim 19 appears to be an independent claim (directed to a computer program product) disguised as a dependent of claim 1 (a method). Examiner suggests applicant revise claim 19 to be an independent claim and positively recited the method steps performed by the computer when the executable code, stored on a computer-readable medium, is executed. Appropriate correction is required.

Regarding Claims 21-23, Claims 21-23, the system as claimed is merely configured to perform one or more method steps (e.g. configured to monitor), however the system does not actually perform the method steps. For the purposes of

examination examiner assumes the applicant will amend the claim to positively recite system actually performs the method steps recited (e.g. a monitor tool that monitors...).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. Claim 20 as recited appears to comprise only a preamble wherein no steps for performing the method are positively recited.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-15 and 17-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoo et al., U.S. Patent No. 7,146,416.

Regarding Claims 1, 19 and 20 Yoo et al. teach a system and method for analyzing usage of an expression (phrase, term, word, keyword, item, symbol, number, ad, content, topics, categories, etc.) comprising (Figures 1, 3B, 5, 7, 8):

- monitoring a selected organization (e.g. web site, document, book, etc.) for occurrences of a selected expression within a time interval (Column 4, Lines 28-68; Column 6, Lines 48-68; Column 7, Lines 5-68; Figure 5);

- gathering and storing predetermined attributes of each occurrence of the expression (Step 2, Column 5; Column 7, Lines 25-68; Figures 3B, 8);

- repeating the monitoring, gathering, and storing at a subsequent time interval (e.g. trends over time; Column 14, Lines 5-60; Figures 4, 6, 8-11); and

- compiling and storing the number of occurrences of the expression in the organization as a function of time and storing the resulting compilation in a user

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accessible medium (Section 2, Columns 7-8; Column 14, Lines 5-60; Column 5, Lines 1-15; Column 12, Lines 15-57; Figure 1, Element 106, Search Log/Page Hit Records; Figures 5, 7-9).

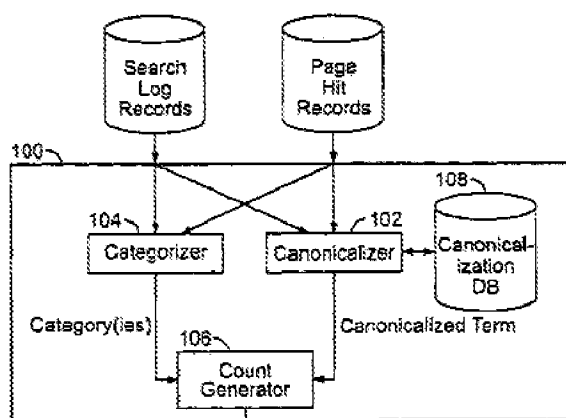


FIG. 1

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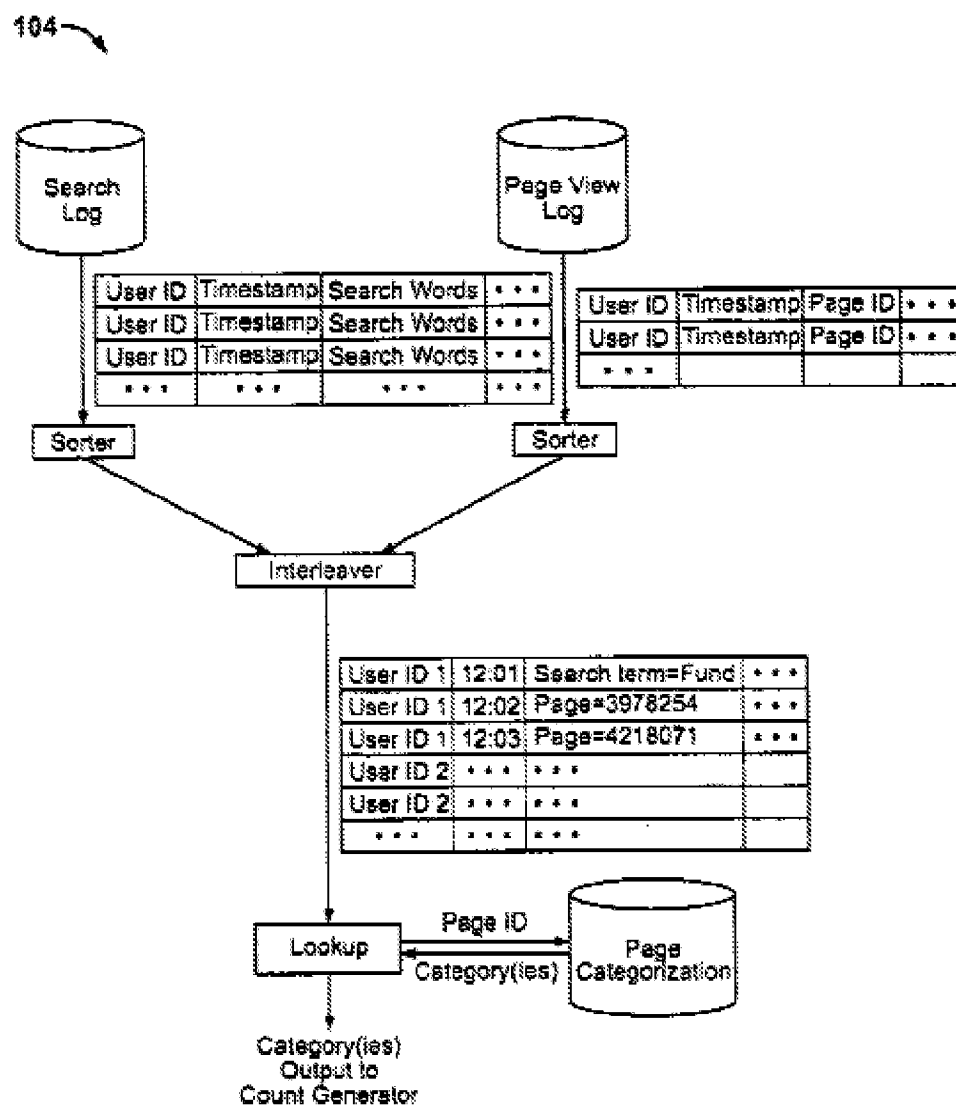


FIG. 5

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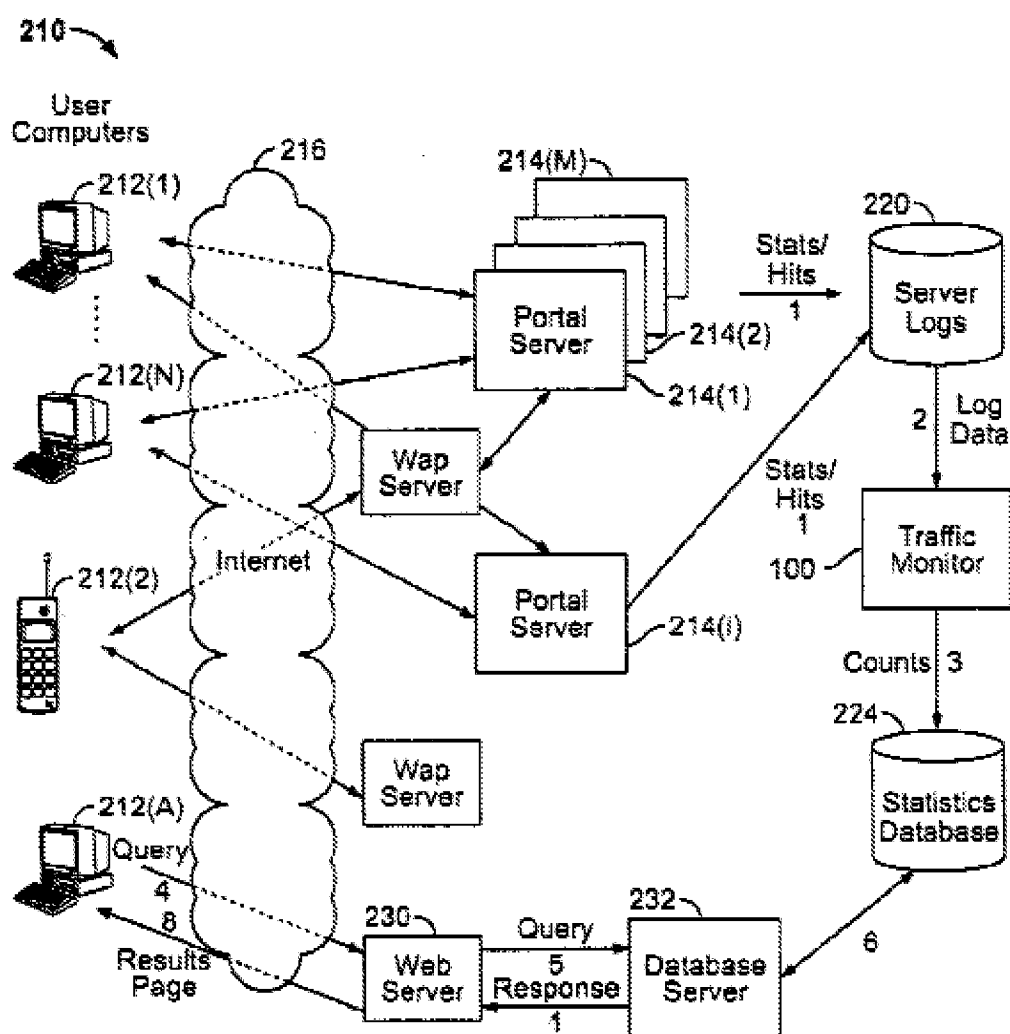


FIG. 7

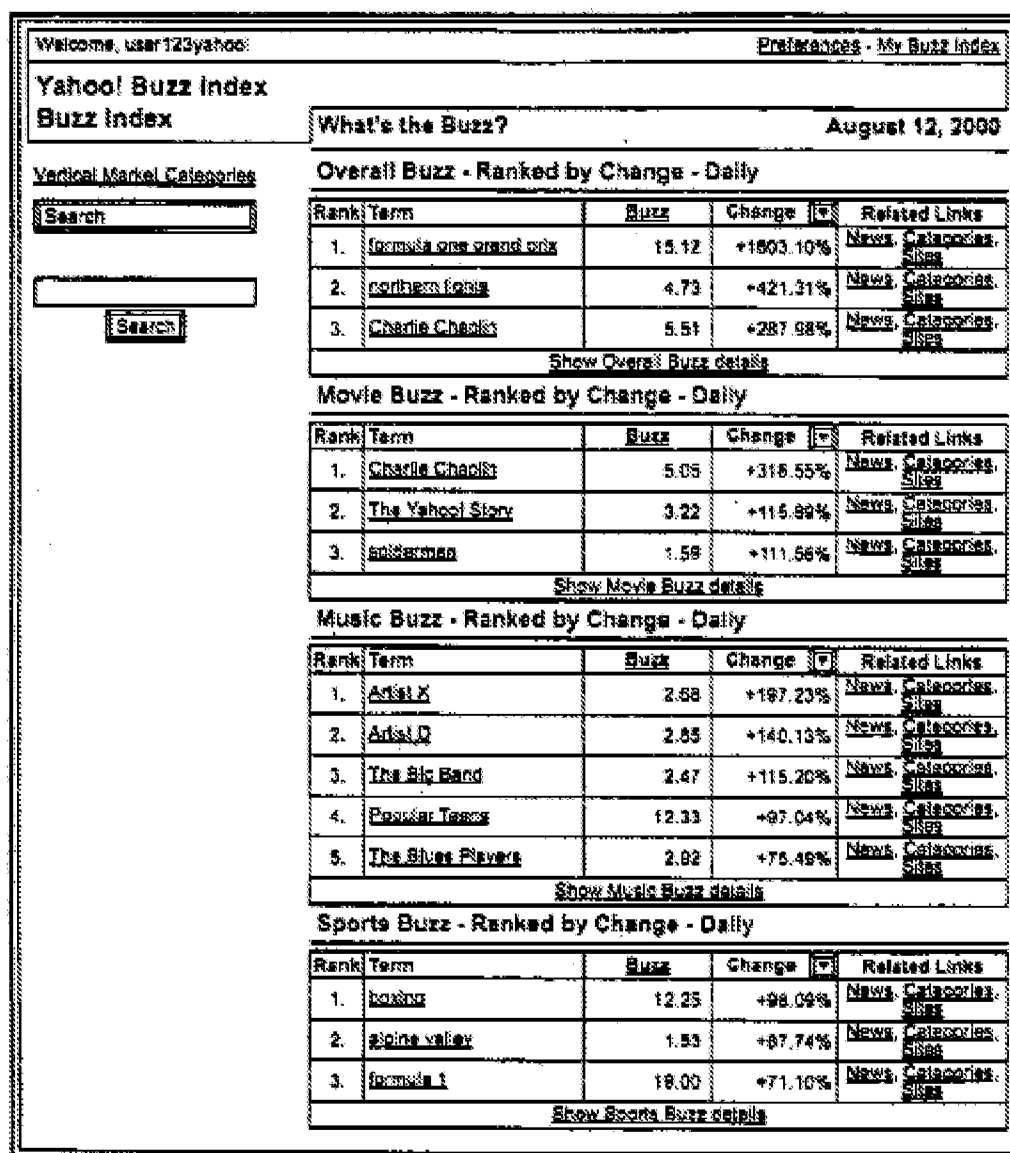


FIG. 9

Regarding Claims 2-4 Yoo et al. teach a system and method for analyzing usage of an expression further comprising monitoring a plurality of organizations and wherein the number of occurrences of the expression and less than or all of the plurality of organizations (Column 14, Lines 5-60; Column 12, Lines 15-57; Figures 9-10).

Regarding Claims 5-6 Yoo et al. teach a system and method for analyzing usage of an expression wherein the expression comprises a term or phrase or textual content (Abstract; Column 4, Lines 28-28; Figures 8-10).

Regarding Claim 7 Yoo et al. teach a system and method for analyzing usage of an expression wherein the organization comprises internet websites, purchased data or internal databases (Column 12, Lines 15-57; Figures 1, 5, 7, 9-10).

Regarding Claim 8 Yoo et al. teach a system and method for analyzing usage of an expression wherein prior to monitoring the organization is assembled in a data storage system (Column 12, Lines 15-57; Figure 1, 5, 7).

Regarding Claims 9-10 Yoo et al. teach a system and method for analyzing usage of an expression wherein repeating occurs at a plurality of subsequent time intervals or wherein the time interval is a day (Column 8, Lines 65-68; Figures 4-6, 9-10).

Regarding Claim 11 Yoo et al. teach a system and method for analyzing usage of an expression wherein the predetermined attributes comprise time-stamping, website URL, or company information (Column 10, Lines 40-50; Figures 3B, 5, 8-11).

Regarding Claim 12 Yoo et al. teach a system and method for analyzing usage of an expression wherein the occurrences of the expression and predetermined attributes are stored in a data storage system (Column 12, Lines 15-57; Figures 1, 5, 7).

Regarding Claim 13 Yoo et al. teach a system and method for analyzing usage of an expression further comprising analyzing the resulting compilation of occurrences of the expression to determined a trend (Column 14, Lines 5-68; Column 15, Lines 5-52; Figures 11, 12B, 14).

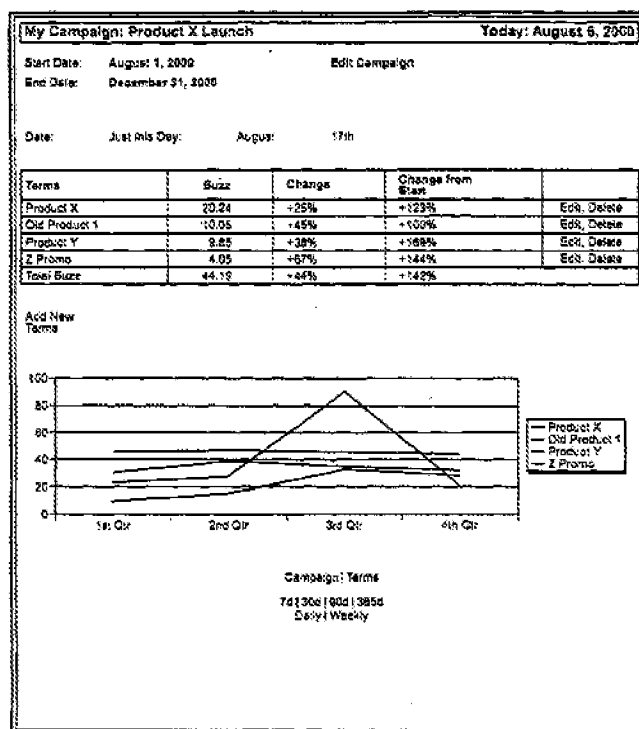


FIG. 14

Regarding Claims 14-15 and 23 Yoo et al. teach a system and method for analyzing usage of an expression further comprising outputting the stored compilation to a user interface and/or display a graphical analysis resulting from the compilation (e.g. reports; Column 13, Lines 30-42; Column 15, Lines 5-52; Figures 8-14).

Regarding Claims 17 and 22 Yoo et al. teach a system and method for analyzing usage of an expression further comprising filtering the occurrences of the expression and predetermined attributes (Column 11, Lines 14-24; Column 14, Lines 52-50; Column 15, Lines 35-45).

Regarding Claim 18 Yoo et al. teach a system and method for analyzing usage of an expression further comprising providing access to the stored predetermined attributes of the occurrences associated with a selected timed interval for display on a user interface. (SEE CLAIM 14)

Regarding Claim 21 Yoo et al. teach a system and method for analyzing usage of an expression comprising:

- a first data storage system (component, module, code, subsystem, objection, etc.) comprising an organization within a time interval (Column 13, Lines 30-68; Column 12, Lines 45-56; Figures 1, 5, 7);
- monitoring the organization for occurrences of the expression via a monitoring tool (Column 6, Lines 48-68; Section 2, Columns 7-8; Figure 1, 7);

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- storing each occurrence of the expression and its predetermined attributes in a second data storage subsystem (Column 12, Lines 45-56; Column 13, Lines 30-68;

Figures 1, 5, 7);

- compiling and storing the number of occurrences of the expression in the organization as a function of time in a user accessible medium (Column 14, Lines 5-60;

Section 41, Column 15; Figures 1, 5, 7-14).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoo et al., U.S. Patent No. 7,146,416 as applied to claim 1-15 and 17-23 above, and further in view of official notice.

Regarding Claim 16 Yoo et al. does not expressly teach converting from audio content to textual content as claimed.

Official notice is taken that converting from audio content to textual content is old and well known wherein speech to text conversion enables one to more readily analyze, search and perform other data operations on the converted speech (text).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for analyzing usage of an expression as taught by Yoo et al. would have benefited from converting audio content to textual content thereby making it easier for one to analyze and/or store the original audio content in view of the teachings of official notice.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Agrawal et al., U.S. Patent No. 6,006,223 teach a system and method for analyzing usage of an expression within an organization (web site) comprising gathering, storing, analyzing and compiling expression usage trends.

- Agrawal et al., U.S. Patent No. 6,308,172, teach a system and method for analyzing usage of an expression/phrase within an organization.

- Leshem et al., U.S. Patent No. 6,470,383, teach a system and method for analyzing organization usage information.

- Hsu et al., U.S. Patent No. 7,281,042, teach a system and method for analyzing usage of an expression (keyword) within an organization (web).

- Mallon et al., U.S. Patent Publication No. 2003/0004781, teach a system and method for analyzing the usage of an expression within an organization comprising collecting, storing, analyzing, compiling and reporting expression usage information.

- Gross, U.S. Patent Publication No. 2004/0249700, teach a system and method for analyzing usage of an expression comprising collecting, storing, compiling, analyzing and reporting expression usage information comprising a plurality of organizations, a plurality of expressions, determining trends associated with expression usage and outputting the compilation/analysis via a user interface.

- Riedman, Yahoo! Taps users to build new Buzz Index (2000), teaches commercially available system and method for analyzing the usage of an expression including real-time trend analysis/tracking and ranking.
- Fattah, Buzz Off (2001), teaches a commercially available expression usage tracking, analysis and reporting system and method.
- Wakefield (2001), Catching a Buzz, teaches a commercially available system and method for tracking and analyzing expression usage trends on the Internet.
- Analogx Web Pages, teaches a commercially available system and method for tracking and analyzing expression usage (Keyword Live).
- WordTracker Web Pages, teaches a system and method for monitoring and analyzing expression usage on the Internet.
- YahooBuzz Web Pages, teaches a commercially available system and method for tracking and analyzing expression usage trends on the Internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT L. JARRETT whose telephone number is (571)272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott L Jarrett/
Primary Examiner, Art Unit 3623